

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**UNITED STATES OF AMERICA,**

**v.**

**CHANCELLOR GUNTER**

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**CASE NUMBER 6:06-CR-00110-01-RC**

**REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

On January 9, 2018, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Chancellor Gunter. The government was represented by Lucas Machicek, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Ken Hawk.

Defendant originally pled guilty to the offense of Bank Robbery and Aiding and Abetting, a Class B felony. The offense carried maximum imprisonment terms of 25 years. The United Sentencing Guideline range, based on a total offense level of 24 and a criminal history category of VI, was 100 to 125 months. On February 28, 2008, District Judge Michael H. Schneider sentenced Defendant to 120 months imprisonment and 5-year term of supervised release subject to standard conditions of release, plus special conditions to include financial disclosure, no new credit charges, and no gambling. On November 28, 2016, Defendant completed his period of imprisonment and began service of the supervision term.

Under the terms of supervised release, Defendant was required to refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a

physician. In its petition, the government alleges that Defendant violated his conditions of supervised release when he tested positive for the use of marijuana, methamphetamine, and amphetamine on July 20, 2017 and tested positive for the use of methamphetamine and amphetamine on August 17, 2017 and September 11, 2017, a Grade B violation.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release when he tested positive for the use of marijuana, methamphetamine, and amphetamine on July 20, 2017 and tested positive for the use of methamphetamine and amphetamine on August 17, 2017 and September 11, 2017, Defendant will have committed a Grade B violation. U.S.S.G. §7B1.1(a). Upon a finding of a Grade B violation, the Court may revoke probation or supervised release. U.S.S.G. § 7B1.3(a)(1). Considering Defendant's criminal history category of VI, the Guideline imprisonment range for a Grade B violations is 21 to 27 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the condition of supervised release referenced above by committing the acts as alleged in the government's petition. In exchange, the government agreed to recommend to the Court a sentence of 21 months with credit for time served from October 15, 2017 with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant Chancellor Gunter be committed to the custody of the Bureau of Prisons for a term of imprisonment of 21 months with credit for time served from October 15, 2017 with no supervised release to follow. The Court **FURTHER RECOMMENDS** that the place of confinement be Texarkana, Texas, if available, in order to facilitate family visitation and drug

treatment, or in the alternative, Seagoville, Texas. The Court **FURTHER RECOMMENDS**  
drug treatment.

**So ORDERED and SIGNED this 10th day of January, 2018.**

  
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JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE